

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 66 OF 2005

1. M/s. Sincro Hotels Pvt. Ltd.,
a company registered under
Companies Act, represented by
its Director, Shri Kashyap
Shinkre, with its registered office
at Fatorda, Margao, Goa, and
2. Shri Kashyap Shinkre, major,
Director of M/s. Sincro Hotels
Pvt. Ltd., with its office at
Fatorda, Margao, Goa. ... Petitioners.

Versus

1. Regional Provident Fund
Commissioner, Employees'
Provident Fund Organization,
Regional Office, Patto Plaza,
EDC Complex Panaji, Goa, and
2. Assistant Provident Fund
Commissioner, Employees'
Provident Fund Organization,
Regional Office, Patto Plaza,
EDC Complex, Panaji, Goa. ... Respondents.

Mr. S. S. Kantak, advocate for the petitioners.

Ms. Winnie Coutinho, advocate for the respondents.

CORAM: A. P. LAVANDE, J.

DATE : 4th May, 2005.

ORAL JUDGMENT

Rule. Ms. Coutinho, waives notice on behalf of the respondents. By consent heard forthwith.

2. By this petition, the petitioners challenge the Order dated 30th December, 2004, passed by respondent no.2 dismissing the review application filed by the petitioners under Section 7B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, read with paragraph 79A of the Employees Provident Fund Scheme 1952.

3. Mr. Kantak, learned counsel for the petitioners submitted that on 11th October, 2004, the petitioners filed an application seeking review of the Order dated 27th August, 2004, passed by the respondent no.2 and the last date for filing review was 11th October, 2004, considering that the order was passed on 27th August, 2004. According to the learned counsel the review application which was filed on 11th October, 2004, was in time. Therefore, respondent no.2 could not have dismissed the review application on the ground that the same was barred by limitation. Ms. Coutinho, learned counsel appearing for the respondents, does not seriously dispute this position. I also find that the review application filed by the petitioners was within the period of limitation and, therefore, the impugned Order dated 30th December, 2004, cannot be sustained.

4. In view of the above, the Order dated 30th December, 2004, passed by respondent no.2 is quashed and set aside. Respondent no.2 is directed to decide the review application on merit expeditiously and, in any case, within a period of six weeks from today.

5. Rule is made absolute in the aforesaid terms. No order as to costs.

A. P.LAVANDE, J.

mc.